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February 21, 2008

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**VIA FEDERAL EXPRESS**

Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

**Re In the Matter of Arbitration Between Union Pacific Railroad Company and  
Brotherhood of Locomotive Engineers and Trainmen, New York Dock  
Finance Docket No. 32760, SUB-FILE 45 (Arbitration Review)**

To Whom It May Concern

Enclosed please find an original and 11 copies of (1) Carrier's Appeal from Arbitration Award, (2) Appendix of Exhibits, and (3) Motion for Leave to Exceed the Page Limit, to be filed in the above-referenced matter. Please return a file stamped copy to us of each filing in the enclosed self-addressed stamped envelope for our files. Also enclosed is the \$150 filing fee for this matter.

If you have any questions, please feel free to give me a call

Very truly yours,

Thompson Coburn LLP

By   
Clifford A. Godiner

ENTERED  
Office of Proceedings  
FEB 22 2008  
Part of  
Public Record

Enclosures

cc. Gilbert Gore

221666

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO 32760, SUB-FILE 45

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IN THE MATTER OF ARBITRATION BETWEEN UNION PACIFIC RAILROAD  
COMPANY AND BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMEN

(Arbitration Review)

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CARRIER'S MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT

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Public Record

Respectfully submitted,

THOMPSON COBURN LLP

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Attorneys for Carrier

### CARRIER'S MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT

Petitioner-Carrier Union Pacific Railroad Company ("UP") moves the Board to enter an Order allowing it to file its brief and appendix of exhibits, which, in total, exceed the 30 page limit established by 49 C.F.R. § 1115.2. In support of its Motion, UP states as follows:

1 The Appeal before this Board arises out of a dispute between the Carrier and the Brotherhood of Locomotive Engineers & Trainmen ("BLET") regarding the Carrier's right to establish new interdivisional service between Houston, Texas, and several other locations in Texas. The dispute involves important and complex issues regarding the interplay between the 1986 BLET National Agreement and a Merger Implementing Agreement that was negotiated to implement the economies and efficiencies made possible, as well as the labor protections required, by the Board's approval of the merger between the Carrier and the Southern Pacific Transportation Company in Union Pacific Corp. – Control and Merger – Southern Pacific Transp. Co., 1 S.T.B. 233 (1996).

2. A tripartite arbitration board was created to resolve the dispute. Gilbert Gore was selected as the BLET member of the arbitration board, Sharon Boone was selected as the Carrier member of the arbitration board, and Arbitrator Robert Perkovich was assigned by the National Mediation Board to be Chairman of the arbitration board.

3 In December 2007, Arbitrator Perkovich issued an award concluding that UP could not establish its proposed interdivisional service because its proposal conflicted with the terms of the relevant implementing agreement. UP now seeks review of the Perkovich Award.

4 This appeal warrants an extension of the 30-page limit for numerous reasons. First, UP's appeal raises three substantial and discrete issues, each of which truly turns upon a

different set of key legal principles. Second, UP's arguments require discussion of numerous agreements, including several implementing agreements and collective bargaining agreements, as well as arbitration awards under both New York Dock and Article IX of the 1986 National Agreement, thus requiring the submission of these documents with this appeal. Third, the issues raised in this appeal require an explanation of the factual background as to both the establishment of interdivisional service and the merger of the UP and SP through the Hub Implementing Agreements.


5 UP has submitted a brief that is slightly over 35 pages in length. The Award is submitted within a bound volume with tabbed exhibits that are necessary for a full understanding of the issues presented in this appeal. Several of the exhibits submitted with this appeal were submitted by the Claimants in the underlying arbitration.

6 No party will be prejudiced by the Board's permission for UP to exceed the 30 page limit.

WHEREFORE, Petitioner-Carrier Union Pacific Railroad Company respectfully requests the Board to enter an Order allowing it to file its brief and the appendix including the challenged award and exhibits, which, in total, exceed the 30 page limit of 49 C.F.R. § 1115.2, and for such other relief as is just.

Respectfully submitted,

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Attorneys for Carrier

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon Gilbert Gore, 1448 MacArthur Avenue, Harvey, Louisiana 70058, by United States Mail, first class postage prepaid, this 21<sup>st</sup> day of February 2008

  
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